

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THEODORE SOMACH, INTERTEC	:	CIVIL ACTION
EUROPE SRL	:	
	:	
	:	
v.	:	NO. 22-2775
	:	
JONATHAN FIRSTENBERG, EMILY	:	
SOMACH, REILLY SOMACH, PHIL	:	
FRAGASSO	:	

ORDER

AND NOW, this 25th day of March 2024, upon considering defendant Jonathan Firstenberg's motion for summary judgment (DI 56), plaintiff Theodore Somach's response (DI 57), Mr. Firstenberg's reply (DI 57), and the parties' arguments heard at our oral argument (DI 60), it is **ORDERED** as follows:

1. Mr. Firstenberg's motion for summary judgment (DI 56) is **GRANTED**.
2. For the reasons explained in the accompanying memorandum, judgment as a matter of law is also **GRANTED** with respect to Theodore Somach's claims against defendants Emily Somach, Reilly Somach, and Phil Fragasso.
3. Intervenor¹ shall have **twenty-one (21) days** from the date of this Order to move for voluntary dismissal under Federal Rule of Civil Procedure 41(a)(2), if they so choose.² If

¹ The intervenors in this case are David Kelley, Jill Goldstone, and Aviel Felix. *See generally* DI 35.

² Intervenor¹ are represented by the same counsel as Mr. Firstenberg. Mr. Firstenberg's motion suggests that we dismiss Intervenor's complaint *without* prejudice if we grant Mr. Firstenberg's summary judgment motion. *See* DI 56-1 at 1 n.1; *see also* Fed. R. Civ. P. 41(a)(2) ("Unless the order states otherwise, a dismissal under this paragraph (2) is without prejudice."). Rather than dismissing on our own, we will allow Intervenor to move for the relief they seek under Federal Rule of Civil Procedure 41. Filing a motion gives Theodore Somach the opportunity to state whether he opposes the requested relief.

Intervenors move for voluntary dismissal, their motion must state whether Theodore Somach opposes the requested relief.


MURPHY, J.